

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 35

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CROWELL.

Read 1st time January 11, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4250S.011

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 28 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to eminent domain.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2006, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article I of the Constitution of the state of Missouri:

Section A. Section 28, article I, Constitution of Missouri, is repealed and  
2 one new section adopted in lieu thereof, to be known as section 28, to read as  
3 follows:

Section 28. That private property shall not be taken for private use with  
2 or without compensation, unless by consent of the owner, except for private ways  
3 of necessity, and except for drains and ditches across the lands of others for  
4 agricultural and sanitary purposes, in the manner prescribed by law [; and that  
5 when an attempt is made to take private property for a use alleged to be public,  
6 the question whether the contemplated use be public shall be judicially  
7 determined without regard to any legislative declaration that the use is public].

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**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**